

# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

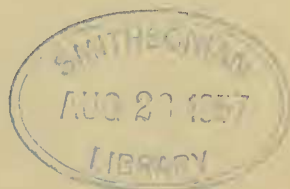
**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

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## DIRECTION 69

Validation under the Plenary Powers of the generic name *Osmerus* as of subgeneric status as from Linnaeus, 1758 (Class Pisces) (validation of an error in the Ruling given in *Opinion 77*)



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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN DIRECTION 69

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(12th August 1953)

*Vice-President* : Senhor Dr. Afranio do AMARAL (*Sao Paulo, Brazil*) (12th August 1953)

*Secretary* : Mr. Francis HEMMING (*London, England*) (27th July 1948)

### B. The Members of the Commission

(*Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology*)

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(1st January 1947)

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Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

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Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria," Genova, Italy*) (16th December 1954)

## DIRECTION 69

### VALIDATION UNDER THE PLENARY POWERS OF THE GENERIC NAME "OSMERUS" AS OF SUBGENERIC STATUS AS FROM LINNAEUS, 1758 (CLASS PISCES) (VALIDATION OF AN ERROR IN THE RULING GIVEN IN "OPINION" 77)

**RULING** :—(1) Under the Plenary Powers and in response to the invitation issued to specialists by the Ruling given in *Opinion* 124, (a) the name *Osmerus* (Class Pisces) is hereby validated as having been published as a subgeneric name by Linnaeus in 1758 in Volume 1 (: 310) of the Tenth Edition of the *Systema Naturae*, and (b) the nominal species *Salmo eperlanus* Linnaeus, 1758, is hereby designated as the type species of the foregoing genus.

(2) The entry on the *Official List of Generic Names in Zoology* of the name *Osmerus* Linnaeus, 1758, made by the Ruling given in *Opinion* 77 is hereby confirmed, the entry in question being amended and extended to read as follows :—

*Osmerus* Linnaeus, 1758, as validated under the Plenary Powers in (1)(a) above (gender : masculine) (type species, by designation under the Plenary Powers in (1)(b) above : *Salmo eperlanus* Linnaeus, 1758).

(3) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1326 :—

*eperlanus* Linnaeus, 1758, as published in the combination *Salmo eperlanus* (specific name of type species of *Osmerus* Linnaeus, 1758).

(4) The under-mentioned family-group name is hereby placed on the *Official List of Family-Group Names in Zoology* with the Name Number 182 :—

OSMERIDAE Regan (C.T.), 1913 (type genus : *Osmerus* Linnaeus, 1758).

## I. THE STATEMENT OF THE CASE

The present *Direction* is concerned with the validation of the entry relating to the generic name *Osmerus* Linnaeus, 1758 (Class Pisces) made on the *Official List of Generic Names in Zoology* by the Ruling given in 1922 in *Opinion 77*. The circumstances of this case were placed before the International Commission on Zoological Nomenclature by the Secretary on 19th August 1955 in the following paper :—

**Proposed validation under the Plenary Powers of "Osmerus" (Class Pisces) as of subgeneric status as from Linnaeus, 1758 (proposed validation of an erroneous entry on the "Official List of Generic names in Zoology" made by the Ruling given in "Opinion" 77)**

By FRANCIS HEMMING, C.M.G., C.B.E.

(*Secretary to the International Commission on Zoological Nomenclature*)

The present application is concerned with the correction of an erroneous entry on the *Official List of Generic Names in Zoology* in relation to the reputed generic name *Osmerus* Linnaeus, 1758 (Class Pisces) made by the Ruling given in *Opinion 77* (1922, *Smithson. misc. Coll.* 73(No. 1) : 71—73).

2. The error referred to above was discovered in the course of a preliminary survey of the entries so far made on the *Official List*, carried out by myself in the period 1943—1944, for the purpose of estimating the amount of work required before it would be possible to publish a volume containing particulars of all entries so far made on that *List*. The error in question is exactly similar to that which was detected in relation to the reputed generic name *Cercopithecus* Linnaeus, 1758 (Class Mammalia), placed on the *Official List* by the Ruling

given in *Opinion* 104. In each case the Commission accepted as a validly published generic name, a term which had been used by Linnaeus in 1758 in the nominative plural to distinguish a group of species assigned by him to some other genus. At the time when the foregoing *Opinions* were adopted, there existed no authoritative ruling as to the status of terms such as *Osmeri* and *Cercopitheci* as used by Linnaeus to denote groups of species below the genus-level, such terms being rejected by some workers but accepted by others. It was not until 1936 (*Smithson. misc. Coll.* 73(8) : 1—2) that an *Opinion* (*Opinion* 124) was published which put an end to this old controversy. By the Ruling so given which was based upon a decision taken by the Commission at its Session held at Padua in 1930 terms of the type discussed above were ruled to have no status of availability as from Linnaeus, 1758. The Commission recognised that in certain cases this ruling might lead to undesirable name-changing and added a rider to its ruling intimating its willingness to consider applications for the validation under the Plenary Powers of terms of this type.

3. When in *Opinion* 124 it settled the question of principle involved, the Commission overlooked the fact that in the two instances discussed above it had placed on the *Official List of Generic Names in Zoology* terms which under that Ruling possessed no status of availability. The case of the name *Cercopithecus* has been dealt with, having been validated under the Plenary Powers by the Ruling given in *Opinion* 238 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 4 : 351—360). It is recommended that corresponding action should now be taken as regards the reputed generic name *Osmerus* Linnaeus, 1758.

4. The term *Osmeri* was published by Linnaeus in 1758 (*Syst. Nat.* (ed. 10) 1 : 310) as a term to denote a group consisting of two species of the genus *Salmo*. The first of these species was *Salmo eperlanus* (: 310). This was the species which was cited as the type species of the genus "*Osmerus*" Linnaeus, 1758, when that "name" was placed on the *Official List* by *Opinion* 77. It appears to be still so regarded.

5. The "genus" *Osmerus* Linnaeus, 1758, is currently regarded as the type genus of a family OSMERIDAE. I have so far, however, been unable to ascertain where this name was first published. It is accordingly proposed that action in this matter should be deferred until it has been found possible to examine also the family-group-name problems involved in connection with the other generic names for fishes placed on the *Official List of Generic Names in Zoology* by the Ruling given in *Opinion* 77.

6. In order to remove the obstacle to the publication of the *Official List* represented by the erroneous entry made thereon by the Ruling given in this case in *Opinion* 77, the International Commission is now asked :—

- (1) to use its Plenary Powers to validate the reputed generic name *Osmerus* as from Linnaeus, 1758, and to designate *Salmo eperlanus* Linnaeus, 1758, to be the type species of the genus so named ;
- (2) to confirm in its position as Name No. 265 on the *Official List of Generic Names in Zoology* the generic name *Osmerus* Linnaeus, 1758, as validated under the Plenary Powers under (1) above and with the type species there designated ;
- (3) to place on the *Official List of Specific Names in Zoology* the specific name *eperlanus* Linnaeus, 1758, as published in the combination *Salmo eperlanus* (specific name of type species of *Osmerus* Linnaeus, 1758).

## II. THE SUBSEQUENT HISTORY OF THE CASE

**2. Registration of the present application :** Upon the receipt of Mr. Hemming's paper the question of the validation of the entry relating to the generic name *Osmerus* Linnaeus, 1758, made by the Ruling given in *Opinion 77* was allotted the Registered Number Z.N.(S.) 564.

**3. Publication of the present application :** The present application was sent to the printer on 23rd August 1955 and was published on 30th December in the same year in Part 9 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Hemming, 1955, *Bull. zool. Nomencl.* **11** : 281—282).

**4. Issue of Public Notices :** Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 30th December 1955 (a) in Part 9 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Mr. Hemming's paper was published) and (b) to the other prescribed serial

publications. In addition, such Notice was given also to four general zoological serial publications and to one specialist serial publication in Europe and America.

**5. Family-Group-Name Problem involved :** When the application dealt with in the present *Direction* was passing through the press, a further effort was made by the Secretary to clear up the family-group-name problem involved in the present case. Accordingly, Mr. Hemming, after consultation with Mr. Denys W. Tucker (*British Museum (Natural History), London*), prepared a supplementary application dealing with this aspect of the case. This application which was as follows, was published on 12th June 1956 (Hemming, 1956, *Bull. zool. Nomencl.* **12** : 14—15) :—

**Supplementary application relating to the generic name "Osmerus"  
Linnaeus, 1758 (Class Pisces)**

By FRANCIS HEMMING, C.M.G., C.B.E.

(*Secretary to the International Commission on Zoological Nomenclature*)

When I recently submitted to the International Commission proposals for the rectification of an error in *Opinion 77* relating to the generic name *Osmerus* Linnaeus, 1758 (Class Pisces) I found it necessary to report that I was not then in a position to submit a recommendation on the family-group-name aspect of that case. I added that I would do so in due course.

2. In the interval which has since elapsed I have had an opportunity of investigating this matter with the assistance of Mr. Denys W. Tucker, B.Sc. (*Department of Zoology, British Museum (Natural History), London*).

3. It appears that the first time that the word OSMERIDAE appeared in print was in 1913 in the volume of the *Zoological Record* for the year 1912 (**49** : Pisces 35)<sup>1</sup>. The editor of the Pisces section of the *Zoological Record* at that time was C. T. Regan and it must be assumed that it was he who was responsible for the introduction of this at that time unpublished family name as a heading in the Pisces section of this literature-recording serial. The only requirement, apart from due

<sup>1</sup> Additional information obtained after the publication of the present Report showed that, contrary to the statement here made, the name OSMERIDAE was published in the *Trans. Roy. Soc. Edinb.* before it was published in the *Zoological Record*. See paragraph 3 of the Supplementary Report reproduced in paragraph 9 of the present *Direction*.

publication, required to provide a family-group name with the status of availability is that it should be based upon the name of its type genus. While there cannot be any doubt that the name OSMERIDAE as used by Regan in the *Zoological Record* was based upon the generic name *Osmerus* Linnaeus, the fact that this was not so stated by Regan on this occasion—and in view of the circumstances in which this name was published could hardly have been stated—must be taken as invalidating this name as published in the manner discussed above<sup>2</sup>. That this is so must be regarded as satisfactory, for no more unsuitable place in which to publish a new name than the *Zoological Record* could be imagined.

4. The next occasion when the name OSMERIDAE appeared was again in 1913 and once again Regan was the author. This was in a paper entitled "The Antarctic Fishes of the Scottish National Antarctic Expedition" (*Trans. Roy. Soc. Edinb.* 49 : 290).

5. In order to complete the action needed to correct and amplify the Ruling given in *Opinion 77*, it is recommended that the International Commission on Zoological Nomenclature should :—

- (1) place the under-mentioned family-group name on the *Official List of Family-Group Names in Zoology* : OSMERIDAE Regan (C.T.), 1913 (reference as in paragraph 4 above) (type genus : *Osmerus* Linnaeus, 1758) ;
- (2) place the under-mentioned family-group name on the *Official Index of Rejected and Invalid Family-Group Names in Zoology* :— OSMERIDAE Regan (C.T.), 1913 (reference as in paragraph 3 above) (invalid because not accompanied by a statement as to the name of the type genus of the family-group taxon so named)<sup>2</sup>.

6. **No objection received** : No objection to the proposals submitted in the present case was received from any source.

### III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

7. **Issue of Voting Paper V.P.(56)50** : On 31st December 1956 a Voting Paper (V.P.(56)50) was issued in which the Members of the Commission were invited to vote either for, or against, "the

<sup>2</sup> The question of principle here discussed was later decided by the Commission in the opposite sense to that here advanced. The decision so taken has since been embodied in *Declaration 31* (1957, *Ops. Decls. int. Comm. zool. Nomencl.* 16 : i—x).



proposal relating to the generic name *Osmerus* Linnaeus, 1758 (a) as set out in Points (1) to (3) in paragraph 6 on page 282 of Volume 11 of the *Bulletin of Zoological Nomenclature* and (b) as supplemented by Points (1) and (2) in paragraph 5 on page 15 of Volume 12 of the above *Bulletin*” [i.e. in the paragraphs numbered as above in the papers reproduced in paragraphs 1 and 5 respectively in the present *Direction*].

**8. The Prescribed Voting Period :** As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 31st March 1957.

**9. Supplementary Report containing additional information regarding the family-group-name problem involved in the present case :** On 11th February 1957, Mr. Hemming submitted a supplementary Report on the family-group-name problem involved in the present case, in which he showed that the name OSMERIDAE was first published by Regan in 1913 in the *Trans. Roy. Soc. Edinburgh* and that the employment of this name by Regan in the volume of the *Zoological Record* for 1913 was no more than a later usage of this name as previously published in the serial cited above. Mr. Hemming accordingly withdrew the proposal previously submitted (in paragraph 5(2) of the paper reproduced in paragraph 5 of the present *Direction*) that the above name as published in the *Zoological Record* should be placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology*. The Supplementary Report referred to above was as follows :—

**Additional Particulars regarding the first publication of a family-group name based on the generic name “*Osmerus*” Linnaeus, 1758 (Class Pisces)**

By FRANCIS HEMMING, C.M.G., C.B.E.

(*Secretary to the International Commission on Zoological Nomenclature*)

The purpose of the present note is to place before the International Commission on Zoological Nomenclature certain additional information which I have obtained regarding the first publication of a family-group name based upon the generic name *Osmerus* Linnaeus, 1758 (Class Pisces).

2. At the time when I placed recommendations before the Commission for the addition to the *Official List of Family-Group Names in Zoology* of a family-group name based upon the foregoing generic name (*Bull. zool. Nomencl.* 12 : 14—15) I reported that a family-group name OSMERIDAE had first been published in the year 1913 and that in that year it had been published in two different serials, in each case by the late C. Tate Regan. The references concerned were :—(i) *Zool. Rec.* 49 : Pisces 35 ; (ii) *Trans. Roy. Soc. Edinb.* 49 : 290. At that time I believed that Volume 49 of the *Zoological Record* was published before Volume 49 of the *Transactions of the Royal Society of Edinburgh*. Further at that time I took the view that the name OSMERIDAE as introduced by Regan (as Recorder for the Pisces Section of the *Zoological Record*) was invalid because, when putting forward this name, he had not cited by name the genus which he took as the type genus of this new family-group taxon. I accordingly recommended that the name OSMERIDAE Regan, 1913 (as of the *Zool. Rec.*) should be rejected as not complying with the requirements relating to the publication of family-group names and should be placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology*.<sup>3</sup> At the same time I recommended that the name OSMERIDAE Regan, 1913, as of the *Trans. Roy. Soc. Edinburgh*, which, when published, was accompanied by a clear citation of *Osmerus* Linnaeus, 1758, as type genus, should be placed on the *Official List of Family-Group Names in Zoology*.

3. Since the submission of the foregoing proposals, I have been able through the kindness of Mr. G. B. Stratton, the present Editor of the *Zoological Record*, to ascertain the exact date of publication of Volume 49 of that serial and thus definitely to establish the relative priority of the name OSMERIDAE as so published and of the same name as published in the same year in the *Trans. Roy. Soc. Edinb.* The information now obtained is as follows :—

- (1) The Annual Report of the Council of the Zoological Society of London for the year 1913 contains a statement that the Pisces Section (with certain other Sections) of Volume 49 of the *Zoological Record* was published in November 1913 and that the volume as a whole was completed on 24th December of that year when the last Section was published.
- (2) Volume 49 of the *Transactions of the Royal Society of Edinburgh* has a table on the back of the title page, giving the dates on which each of the papers included in the volume was published. Regan's paper containing the name OSMERIDAE was Paper No. 2 in the volume and was published on 23rd May 1913.

<sup>3</sup> See paragraph 5 of the Supplementary Application reproduced in paragraph 5 of the present *Direction*.

4. The information set out in the preceding paragraph established beyond possibility of question (a) that the name OSMERIDAE Regan appeared in the *Zoological Record* in November 1913 and that the name OSMERIDAE Regan appeared in the *Trans. Roy. Soc. Edinburgh* on 23rd May of the same year, i.e. some six months earlier. We see therefore that the assumption in my earlier paper<sup>4</sup> that the *Zoological Record* version of this name was the first to be published was incorrect. Accordingly, the name OSMERIDAE Regan, as published in the *Trans. Roy. Soc. Edinburgh*, possesses unquestionable priority over the *Zoological Record* version. We see also that the latter version was not a new name, being no more than a usage of a name already published earlier in the same year.

5. It will be recalled that in my original paper I recommended that the name OSMERIDAE should not be accepted as from the *Zoological Record*, even though it was then believed to have been first published in that serial. This was because I then believed that it was invalid as from having been so published, in view of the fact that on that occasion Regan did not cite the type genus (*Osmerus* Linnaeus) by name.<sup>4</sup> Since that paper was written, further information has been accumulated in regard to the manner in which family-group names have actually been published in various groups and in the light of this information the Commission has given a Ruling (by its vote on Voting Paper V.P.(O.M.)(56)16) that, although it is undesirable that a family-group name should be published without an express citation by name of the type genus of the nominal family-group taxon so established a family-group name established without such a citation is not on that account to be rejected. The decision taken on the foregoing Voting Paper has since been embodied in *Declaration 31* (now in the press).<sup>5</sup> In these circumstances (and contrary to the view taken in my original paper) the name OSMERIDAE Regan, as published in Volume 49 of the *Zoological Record* would have been an available name if the *Zoological Record* had been the first place in which it had been published. We now know, however, that this name was published by Regan in the *Trans. Roy. Soc. Edinburgh* before it was published in the *Zoological Record*.

6. To sum up, the name OSMERIDAE Regan, 1913, ranks for priority from the *Trans. Roy. Soc. Edinburgh*, as recommended in the proposal previously submitted, but it does this not because OSMERIDAE Regan, 1913, as of the *Zoological Record*, was invalidly published (as I then supposed) but, as has now been ascertained, it appeared in the above serial before it appeared in the *Zoological Record*. The proposal submitted to, and approved by, the Commission in its vote on Voting Paper V.P.(56)30 that the name OSMERIDAE Regan, 1913,

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<sup>4</sup> See paragraph 3 of the paper referred to in Footnote 3.

<sup>5</sup> For particulars regarding the publication of *Declaration 31* see Footnote 2.

should be accepted as from the *Trans. Roy. Soc. Edinburgh* and should be placed on the *Official List* remains correct and necessary, all that is now required being (a) a correction of the erroneous arguments previously put forward in support of that proposal and (b) the withdrawal of the proposal that the name OSMERIDAE Regan, 1913, as of the *Zool. Rec.* should be placed on the *Official Index of Rejected and Invalid Family-Group Names in Zoology*. The latter action would be inappropriate now that it is known that, as so published, the name OSMERIDAE was not a new name but merely a later usage of a previously published name. In the circumstances I feel that the Commission will take the view that no further vote is required to effect the minor adjustments described above and that it will be sufficient if the present note is brought to the attention of all members of the Commission and included in the *Opinion* to be rendered in the present case. I therefore propose to proceed with the preparation of an *Opinion* giving effect to the decision taken by the Commission on this matter, subject (i) to the adjustment indicated at (b) above and (ii) to the inclusion in the *Opinion* of the present note.

**10. Particulars of the Voting on Voting Paper V.P.(56)50 :** At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(56)50 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-three (23) Commissioners (arranged in the order in which Votes were received) :*

Bodenheimer ; Mertens ; Lemche ; Hering ; Boschma ;  
Bradley (J.C.) ; Holthuis ; Kühnelt ; Bonnet ; Vokes ;  
Stoll ; do Amaral ; Mayr ; Key ; Dymond ; Jaczewski ;  
Riley ; Hemming ; Esaki ; Tortonese ; Cabrera ;  
Sylvester-Bradley ; Miller ;

(b) *Negative Votes :*

None ;

(c) *Prevented from voting by interruption of postal communications consequent upon political disturbances, one (1) :*

Hankó ;

(d) *Voting Papers not returned, one (1) :*  
Prantl.

**11. Declaration of Result of Vote :** On 1st April 1957, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(56)50, signed a Certificate that the Votes cast were as set out in paragraph 10 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

**12. Preparation of the Ruling given in the present " Direction " :** On 2nd April 1957, Mr. Hemming prepared the Ruling given in the present *Direction* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(56)50.

**13. Original References :** The following is the original reference for the name placed on the *Official List of Specific Names in Zoology* by the Ruling given in the present *Direction* :—

*eperlanus*, *Salmo*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 310

**14.** The following is the original reference for the name placed on the *Official List of Family-Group Names in Zoology* by the Ruling given in the present *Direction* :—

OSMERIDAE Regan (C.T.), 1913, *Trans. Roy. Soc. Edinb.* **49** : 290

**15.** The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Direction* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

16. The present *Direction* shall be known as *Direction Sixty-Nine (69)* of the International Commission on Zoological Nomenclature.

DONE in London, this Second day of April, Nineteen Hundred and Fifty-Seven.

*Secretary to the International Commission  
on Zoological Nomenclature*

**FRANCIS HEMMING**